

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

United States Courts  
Southern District of Texas  
FILED

MAR 31 2022

Nathan Ochsner, Clerk of Court

IN RE:  
**CALAMONDA TRUST #1,**  
Debtor in Possession.

**CASE NO: 22-30657**

**CHAPTER 11**

**PLAINTIFFS' EMERGENCY MOTION FOR RECONSIDERATION**

Comes now John Fiala, Debtor in Possession, herein after known as Plaintiff in the aforementioned matter and makes this EMERGENCY MOTION FOR RECONSIDERATION of document #11, the Honorable courts ORDER DISMISSING CHAPTER 11 CASE WITH PREJUDICE, and would show the Honorable the following in support of this motion;

Cause #22-30657

PLAINTIFFS' EMERGENCY MOTION FOR RECONSIDERATION  
2022-03-30  
Page 1 of 3

## BACKGROUND

The Father on John Fiala has been in ill health and is dying. On 2022-March-19<sup>th</sup> the Plaintiff was notified that due to extenuating circumstances that Plaintiff was requested to attend his dying Father who resides in California. Plaintiff had been checking his mail at P.O. Box 60247, Houston, Texas 77205 daily. And on 2022-03-24 @ 4:22am and had not yet received any correspondence from the Honorable court.

At 6:30am 2022-03-24, later the same day Plaintiff proceeded to travel to California to attend his dying Father. Please refer to Exhibit "A", a copy of my boarding pass for Spirit Airlines flight #NK590, boarding at 5:45am and departing at 6:30am on the morning of March the 24<sup>th</sup>. At this time I am still in California attending my Father.

On Wednesday morning at 6:38am PST, 8:38 CST 2022-03-30, Plaintiff contacted the Honorable court clerks' office via telephone to check to see if any action had yet occurred in the aforementioned cause. Plaintiff was advised by the clerk answering the phone that the case had been dismissed on the previous Thursday the 24<sup>th</sup> of March.

My computer not being with me, I had to get help to find out that there had been substantial activity in my case.

Cause #22-30657

PLAINTIFFS' EMERGENCY MOTION FOR RECONSIDERATION

2022-03-30

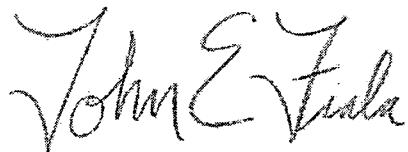
Page 2 of 3

**PRAYER**

**WHEREFORE**; Premises considered, Plaintiff prays that the Honorable Court ignore Plaintiffs' tardy response due to being unaware and rescind the **ORDER DISMISSING CHAPTER 11 CASE WITH PREJUDICE**, reinstate Plaintiffs case allow Plaintiff's case to proceed.

**FURTHERMORE**, Plaintiff requests that the Honorable court continue this matter for two weeks to allow time for Plaintiff to get the family affairs in order as respect to his dying Father.

Respectfully submitted



John Fiala  
Trustee, Calamonda Trust #1  
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Cause #22-30657

PLAINTIFFS' EMERGENCY MOTION FOR RECONSIDERATION  
2022-03-30  
Page 3 of 3

Exhibit "A"